

Remarks

The present Amendment and Response is fully responsive to the Non-final Office Action dated February 28, 2008. After entry of the present Amendment, Claims 12-39 are pending. By this Amendment, independent Claims 12 and 21 and dependent Claims 13 and 14 have been amended. New dependent Claims 38 and 39 have been added. Claims 1-11 were previously withdrawn by prior response. The Applicants respectfully submit that no new matter has been added by the foregoing amendments. Reconsideration of the application is requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 103

In the Non-final Office Action, Claims 12, 14-17, 21, 23-26, and 30-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,422,953 to Fischer (hereinafter "Fischer") in view of U.S. Pat. No. 6,049,874 to McClain et al. (hereinafter "McClain"). Claims 13 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer in view of McClain and further in view of U.S. Pat. No. 6,775,772 to Binding et al. (hereinafter "Binding"). Claims 18 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer in view of McClain and further in view of the Applicant's allegedly Admitted Prior Art (hereinafter AAPA). Claims 19, 20, 28, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Fischer, McClain, and the AAPA in view of U.S. Pat. No. 6,594,759 to Wang (hereinafter "Wang").

The Applicants have amended independent Claims 12 and 21 in order to clarify the scope of the claimed invention of Claims 12 and 21. Specifically, independent Claim 12 has been amended to include "generating, within the secure device, a verification status indicator based at least in part on a comparison of pre-stored verification data to input verification data received from a user of the secure device." Claim 12 has further been amended to include "providing the generated digital signature and the verification

status indicator to the computer program application.” Independent Claim 21 has been amended in a similar manner. Support for these amendments is provided at least in paragraphs [0145] – [0148] of the Specification and also in Figure 4a at element 456.

In marked contrast to the claimed invention, neither Fischer, McClain, Binding, nor Wang, either taken alone or in combination, disclose, teach, or suggest generating a verification status indicator within the secure device and providing the verification status indicator to the computer program application, as recited by the amended independent claims. Although Fischer discusses the certification of a user of the personal data/time notary device, the certification is conducted by a certifier and not by the device itself (*See* Fischer at column 6, lines 43-57). Accordingly, the Applicants respectfully submit that Fischer does not teach or suggest generating a verification status indicator within the secure device, as recited by the amended independent claims. Furthermore, McClain, Binding, and Wang all fail to teach or suggest the feature of generating a verification status indicator within the secure device and providing the verification status indicator to the computer program application.

As a result of providing the verification status indicator to the computer program application, the computer program application or another component or system in communication with the computer program application may determine a verification status of the secure device based on the verification status indicator (*See, for example*, Specification at paragraph [0149]). A level of risk associated with the message data may be determined based on the verification status (*See, for example*, Specification at paragraph [0128]). Additionally, the verification status of the device may be determined without revealing a shared secret of the device, such as a user’s PIN or biometric data associated with the user (*See, for example*, Specification at paragraphs [0137]). Accordingly, additional security may be provided to a recipient without compromising sensitive data of a user. For at least these reasons, the Applicants respectfully assert that amended independent Claims 12 and 21 are allowable over Fischer, McClain, Binding,

and Wang, either taken alone or in combination. Therefore, the Applicants respectfully contend that the amended independent claims are in condition for allowance.

Additionally, the Applicants respectfully submit that dependent Claims 13-20 and 22-37 are allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features. Accordingly, the Applicants respectfully assert that the pending claims of the application are in condition for allowance and requests the prompt allowance of the same.

Patentability of New Dependent Claims 38 and 39

By the present amendment, new dependent Claims 38 and 39 have been added. The Applicants respectfully submit that no new matter has been added by the addition of new dependent Claims 38 and 39. New dependent Claim 38 requires the message data to be “modified by the verification status indicator prior to originating the digital signature.” Additionally, new dependent Claim 38 requires the verification status indicator to be provided to the computer program as “a component of the generated digital signature.” New dependent Claim 39 includes similar recitations. Support for these new claims is provided at least in paragraph [0225] of the Specification.

Neither Fischer, McClain, Binding, nor Wang, either taken alone or in combination, teaches or suggest modifying the message data with a verification status indicator prior to originating the digital signature, such that the verification status indicator is included in the digital signature. Accordingly, the Applicants respectfully submit that new dependent Claims 38 and 39 recite features that are not taught or suggested by the cited art of record. Additionally, the Applicants respectfully submit that new dependent Claims 38 and 39 are allowable as a matter of law as depending from an allowable base claim for which arguments for patentability are set forth above. For at least these reasons, the Applicants respectfully submit that new dependent Claims 38 and 39 are allowable over the cited art of record.

Conclusion

It is not believed that extensions of time or fees for net addition of claims are required beyond those which may be otherwise provided for in the documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by teleconference call or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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